

Atty. Dkt. No. 100204097-1

## REMARKS

This Reply is in response to the Final Office Action mailed on August 10, 2006 in which claims 1-5 and 7-10 were allowed and in which 11-15 were rejected. With this response, affidavits under 37 CFR 1.132 are submitted to overcome the rejections of claims 11-15. Claims 1-5 and 7-15 are presented for reconsideration and allowance.

### I. Objection to the Disclosure

Section 1 of the Office Action objected to the disclosure noting several in formalities. In response, the specification is amended as suggested in the Office Action. Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

### II. Rejection of claims 11-15 under 35 USC 112, second paragraph.

Section 2 of the Office Action rejected claims 11-15 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In response, claim 11 is amended to replace "the front of the device" with -- a front of the device --. Thus, claims 11-15, as amended, overcome rejection under 35 USC 112, second paragraph.

### III. Rejection of Claims 11-15 Under 35 U.S.C. § 102(e) Based Upon Hwang.

Section 3 of the Office Action rejected Claims 11-15 under 35 U.S.C. § 102(e) as being anticipated by Hwang et al. US Patent Publication 2005/0094227. In response, a declaration under 37 CFR 1.132 by Peter Hwang is filed herewith. In his declaration, Mr. Hwang unequivocally declares that the subject matter of claims 11-15 of the present application, to the extent that it is disclosed in Hwang US patent publication 2005/0094227, was derived from Hwang and not derived from Raymond C. Sherman. Since the invention allegedly disclosed but not claimed in Hwang US

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Patent Publication 2005/0094227 was derived from the inventor of the present application, the invention disclosed in Hwang US Patent Publication 2005/0094227 was not "by another". Accordingly, Applicants respectfully request that the rejection of claims 11-15 under 35 USC 102(e) based upon Hwang US Patent Publication 2005/0094227 be withdrawn.

IV. Rejection of Claims 11-15 Under 35 U.S.C. § 102(e) Based Upon Wong.

Section 4 of the Office Action rejected Claims 11-15 under 35 U.S.C. § 102(e) as being anticipated by Wong et al. US Patent D483,060. In response, a declaration under 37 CFR 1.132 by Howard G. Wong is filed herewith. In his declaration, Mr. Wong unequivocally declares that the subject matter of claims 11-15 of the present application, to the extent that it is disclosed in Wong US Patent D483,060, was derived from Wong and not derived from Daniel R. Dwyer. Since the invention allegedly disclosed but not claimed in Wong US Patent D483,060 was derived from the inventor of the present application, the invention disclosed in Wong US Patent D483,060 was not "by another". Accordingly, Applicants respectfully request that the rejection of claims 11-15 under 35 USC 102(e) based upon Wong US Patent D483,060 be withdrawn.

V. Conclusion.

After amending the claims as set forth above, Claims 1-5 and 7-15 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date October 9, 2006

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Reply Facsimile Transmission received on October 9, 2006 from the United States Patent and Trademark Office confirming receipt of the entire response which consisted of 15 pages (transmittal-2 pages; amendment and reply-9 pages; 1.132 declaration by Peter Hwang-2 pages; and 1.132 declaration by Howard Wong-2 pages). As a result, it appears that the USPTO received the entire response, but lost or misplaced the declaration of Peter Hwang. Accordingly, the rejection of claims 11-15 in view of US Patent Publication 20050094227 per of the Final Office Action should be withdrawn.

Claims 1-5 and 7-15 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

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Respectfully submitted,

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